15

S.B. CIVIL MISC. APPEAL NO.509/2007.
Dulraj & Ors. Vs. Akbar Khan & Ors.

Date of Order :: 6th February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Manoj Rathore, for the appellants.

...

BY THE COURT:

For awarding compensation to the husband and children of the vehicular accident victim Smt. Seema, said to be about 30 years in age, the Tribunal has not accepted the assertion of the claimants about the deceased earning in tailoring and knitting job and has taken her notional income as house-wife at Rs.15,000/- per annum; and after deducting one-third on her personal expenditure and with application of multiplier of 18, has assessed pecuniary loss at Rs.1,80,000/-. The Tribunal has further proceeded to allow Rs.50,000/- to the husband and three children of the deceased towards non-pecuniary loss, Rs.500/- towards transportation and Rs.2,000/- towards funeral expenses. In this manner, the Tribunal has assessed total loss for the claimants at Rs.2,32,500/- and has allowed interest @ 9% per annum from the date of filing of the claim application.

Having heard learned counsel for the claimant-appellants and having examined the impugned award, this Court is satisfied that the award so made by the Tribunal cannot be said to be grossly inadequate or insufficient. For want of any cogent corroborative evidence regarding income of the victim, the Tribunal cannot be faulted with in putting an estimate for the purpose of assessing pecuniary loss taking the deceased a non-earning person. The Tribunal has proceeded to allow compensation rather liberally by application of maximum side multiplier of 18 and then has allowed rather excessive amount towards non-pecuniary loss. The rate of interest at 9% per annum is also on the higher side.

In the ultimate analysis, the award in question rules out any scope of upward revision.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

//Mohan//